HON'BLE SRI JUSTICE BILAL NAZKI, THE ACTING CHIEF JUSTICE
AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL No.894 of 2007

Date: 13-11-2007.

Between :

M/s.G.S.R.Sugars Private Limited, Hyderabad,
Rep. by its Director.

.....Petitioner

And

M.A.Haseeb Khan & others.

.....Respondents.

HON'BLE SRI JUSTICE BILAL NAZKI, THE ACTING CHIEF JUSTICE
AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL No.894 of 2007

JUDGMENT : (Per Hon'ble Sri Justice Bilal Nazki, ACJ)

The learned Single Judge found that the facts disclosed in the writ petition presented an uncertain and chaotic situation in the matter of allotment of zones to the sugar factories established and functioning in the Districts of Medak and Nizamabad. After taking into consideration the facts as projected before the learned Single Judge, the learned Single Judge gave certain directions to the Secretary, Industries Department as under—

> "(1) to forthwith attend to the matter personally or to depute a senior officer with requisite experience in the matter, to ascertain
>
> (a) the crushing capacity of the sugar factories in the Districts of Medak and Nizamabad;
>
> (b) the quantities of sugarcane covered by agreements with the farmers in the zones of respective sugar factories; and

(c) the quantity of sugarcane grown by farmers having agreements with M/s.G.S.R.Sugars Limited, Maagi.

(2) to allot the sugarcane from the farmers having agreements with M/s.G.S.R.Sugars to other factories in the area depending on their capacity.

(3) This exercise shall be completed within one week from the date of receipt of a copy of this order.

(4) The Secretary, Industries Department shall also initiate necessary steps for re-allotment of the zone areas in view of the persistent failure on the part of the G.S.R.Sugars, duly ensuring that its obligation towards the farmers is discharged."

The present appellant, who was not a party to the writ petition, filed this appeal after seeking leave of the Court. His simple case is that the learned Single Judge has given a finding that G.S.R.Sugars have persistently failed in discharging their duties and has directed the Secretary, Industries Department to initiate necessary steps for re-allotment of the zone areas which were held by G.S.R.Sugars. As such, G.S.R. Sugars, the present appellant, would lose all its rights over the zone, which has been allotted to it. The learned counsel for

appellant submits that such an order could not have been passed by the Court in his absence. This position is fairly conceded by the learned counsel for respondents-writ petitioners.

Therefore, on the ground that the appellant who would get adversely affected by the learned Single Judge's order was not a party and was not heard, we allow this writ appeal, set aside the order of learned Single Judge and direct that the present appellant M/s.G.S.R.Sugars Private Limited be made a party-respondent in the writ petition and the writ petition be taken up again and orders be passed after hearing learned counsel for the parties.

BILAL NAZKI, ACJ

13th November 2007.

RAMESH RANGANATHAN, J

ajr